

106TH CONGRESS  
1ST SESSION

# H. R. 1070

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1999

Mr. LAZIO (for himself, Ms. ESHOO, Ms. ROS-LEHTINEN, Mrs. CAPPS, Mrs. MORELLA, Mrs. KELLY, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. HORN, Mr. DIXON, Ms. PELOSI, Mr. LATOURETTE, Mr. WAXMAN, Mr. SERRANO, Mr. GILMAN, Mr. MALONEY of Connecticut, Mr. MEEHAN, Mr. WELDON of Pennsylvania, Mr. UNDERWOOD, Mr. SHOWS, Mr. ABERCROMBIE, Mr. MCHUGH, Mr. ETHERIDGE, Mr. SANDERS, Mrs. CLAYTON, Mr. WALSH, Mr. MCGOVERN, Mr. McNULTY, Mr. FROST, Mr. NEY, Mr. OLVER, Ms. MILLENDER-McDONALD, Mr. CROWLEY, Mr. SUNUNU, Mr. CLEMENT, Mr. STARK, Ms. CARSON, Mr. FOLEY, Mr. COYNE, Mr. LANTOS, Mr. INSLEE, Mrs. WILSON, Mr. SHERMAN, Mr. BALDACCI, Mr. BOEHLERT, Mr. LUTHER, Mr. HINOJOSA, Mr. DEFazio, Mr. QUINN, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. WEYGAND, Mr. FORBES, Mr. MEEKS of New York, Mr. NADLER, Mr. BARRETT of Wisconsin, Ms. WOOLSEY, Mr. KUCINICH, Mr. KING, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. BILBRAY, Mr. THOMPSON of Mississippi, Mr. HINCHEY, Mr. KLECZKA, Mr. PAYNE, Mr. WYNN, Mr. JEFFERSON, Mr. SMITH of New Jersey, Mr. MASCARA, Mr. LoBIONDO, Mr. OBERSTAR, Mr. LEACH, Mr. RUSH, Mr. MATSUI, Mr. DINGELL, Mrs. EMERSON, Mr. FILNER, Mrs. MYRICK, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found

to have breast or cervical cancer under a federally funded screening program.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. OPTIONAL MEDICAID COVERAGE OF CERTAIN**  
 4 **BREAST OR CERVICAL CANCER PATIENTS.**

5 (a) COVERAGE AS OPTIONAL CATEGORICALLY  
 6 NEEDY GROUP.—

7 (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)  
 8 of the Social Security Act (42 U.S.C.  
 9 1396a(a)(10)(A)(ii)) is amended—

10 (A) in subclause (XIII), by striking “or”  
 11 at the end;

12 (B) in subclause (XIV), by adding “or” at  
 13 the end; and

14 (C) by adding at the end the following:

15 “(XV) who are described in sub-  
 16 section (aa) (relating to certain breast  
 17 or cervical cancer patients);”.

18 (2) GROUP DESCRIBED.—Section 1902 of the  
 19 Social Security Act (42 U.S.C. 1396a) is amended  
 20 by adding at the end the following:

21 “(aa) Individuals described in this paragraph are in-  
 22 dividuals who—

23 “(1) are not described in subsection  
 24 (a)(10)(A)(i);

1 “(2) have not attained age 65;

2 “(3) have been screened for breast and cervical  
3 cancer under the Centers for Disease Control and  
4 Prevention breast and cervical cancer early detection  
5 program established under title XV of the Public  
6 Health Service Act (42 U.S.C. 300k et seq.) in ac-  
7 cordance with the requirements of section 1504 of  
8 that Act (42 U.S.C. 300n) and need treatment for  
9 breast or cervical cancer; and

10 “(4) are not otherwise covered under creditable  
11 coverage, as defined in section 2701(c) of the Public  
12 Health Service Act (45 U.S.C. 300gg(c)).”.

13 (3) LIMITATION ON BENEFITS.—Section  
14 1902(a)(10) of the Social Security Act (42 U.S.C.  
15 1396a(a)(10)) is amended in the matter following  
16 subparagraph (F)—

17 (A) by striking “and (XIII)” and inserting  
18 “(XIII)”; and

19 (B) by inserting “, and (XIV) the medical  
20 assistance made available to an individual de-  
21 scribed in subsection (aa) who is eligible for  
22 medical assistance only because of subpara-  
23 graph (A)(10)(ii)(XV) shall be limited to medi-  
24 cal assistance provided during the period in

1           which such an individual requires treatment for  
2           breast or cervical cancer” before the semicolon.

3           (4) CONFORMING AMENDMENTS.—Section  
4           1905(a) of the Social Security Act (42 U.S.C.  
5           1396d(a)) is amended in the matter preceding para-  
6           graph (1)—

7                   (A) in clause (x), by striking “or” at the  
8                   end;

9                   (B) in clause (xi), by adding “or” at the  
10                  end; and

11                  (C) by inserting after clause (xi) the fol-  
12                  lowing:

13                  “(xii) individuals described in section  
14                  1902(aa),”.

15           (b) PRESUMPTIVE ELIGIBILITY.—

16                   (1) IN GENERAL.—Title XIX of the Social Se-  
17                   curity Act (42 U.S.C. 1396 et seq.) is amended by  
18                   inserting after section 1920A the following:

19           “PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR  
20                                   CERVICAL CANCER PATIENTS

21           “SEC. 1920B. (a) STATE OPTION.—A State plan ap-  
22           proved under section 1902 may provide for making medi-  
23           cal assistance available to an individual described in sec-  
24           tion 1902(aa) (relating to certain breast or cervical cancer  
25           patients) during a presumptive eligibility period.

26           “(b) DEFINITIONS.—For purposes of this section:

1           “(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The  
2           term ‘presumptive eligibility period’ means, with re-  
3           spect to an individual described in subsection (a),  
4           the period that—

5                   “(A) begins with the date on which a  
6                   qualified entity determines, on the basis of pre-  
7                   liminary information, that the individual is de-  
8                   scribed in section 1902(aa); and

9                   “(B) ends with (and includes) the earlier  
10                  of—

11                          “(i) the day on which a determination  
12                          is made with respect to the eligibility of  
13                          such individual for services under the State  
14                          plan; or

15                          “(ii) in the case of such an individual  
16                          who does not file an application by the last  
17                          day of the month following the month dur-  
18                          ing which the entity makes the determina-  
19                          tion referred to in subparagraph (A), such  
20                          last day.

21           “(2) QUALIFIED ENTITY.—

22                   “(A) IN GENERAL.—Subject to subpara-  
23                   graph (B), the term ‘qualified entity’ means  
24                   any entity that—

1 “(i) is eligible for payments under a  
2 State plan approved under this title; and

3 “(ii) is determined by the State agen-  
4 cy to be capable of making determinations  
5 of the type described in paragraph (1)(A).

6 “(B) REGULATIONS.—The Secretary may  
7 issue regulations further limiting those entities  
8 that may become qualified entities in order to  
9 prevent fraud and abuse and for other reasons.

10 “(C) RULE OF CONSTRUCTION.—Nothing  
11 in this paragraph shall be construed as prevent-  
12 ing a State from limiting the classes of entities  
13 that may become qualified entities, consistent  
14 with any limitations imposed under subpara-  
15 graph (B).

16 “(c) ADMINISTRATION.—

17 “(1) IN GENERAL.—The State agency shall pro-  
18 vide qualified entities with—

19 “(A) such forms as are necessary for an  
20 application to be made by an individual de-  
21 scribed in subsection (a) for medical assistance  
22 under the State plan; and

23 “(B) information on how to assist such in-  
24 dividuals in completing and filing such forms.

1           “(2) NOTIFICATION REQUIREMENTS.—A quali-  
2       fied entity that determines under subsection  
3       (b)(1)(A) that an individual described in subsection  
4       (a) is presumptively eligible for medical assistance  
5       under a State plan shall—

6           “(A) notify the State agency of the deter-  
7       mination within 5 working days after the date  
8       on which determination is made; and

9           “(B) inform such individual at the time  
10      the determination is made that an application  
11      for medical assistance under the State plan is  
12      required to be made by not later than the last  
13      day of the month following the month during  
14      which the determination is made.

15          “(3) APPLICATION FOR MEDICAL ASSIST-  
16      ANCE.—In the case of an individual described in  
17      subsection (a) who is determined by a qualified en-  
18      tity to be presumptively eligible for medical assist-  
19      ance under a State plan, the individual shall apply  
20      for medical assistance under such plan by not later  
21      than the last day of the month following the month  
22      during which the determination is made.

23          “(d) PAYMENT.—Notwithstanding any other provi-  
24      sion of this title, medical assistance that—

1 “(1) is furnished to an individual described in  
2 subsection (a)—

3 “(A) during a presumptive eligibility pe-  
4 riod;

5 “(B) by a entity that is eligible for pay-  
6 ments under the State plan; and

7 “(2) is included in the care and services covered  
8 by the State plan;  
9 shall be treated as medical assistance provided by such  
10 plan for purposes of section 1903(a)(5)(B).”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 1902(a)(47) of the Social Se-  
13 curity Act (42 U.S.C. 1396a(a)(47)) is amend-  
14 ed by inserting before the semicolon at the end  
15 the following: “and provide for making medical  
16 assistance available to individuals described in  
17 subsection (a) of section 1920B during a pre-  
18 sumptive eligibility period in accordance with  
19 such section”.

20 (B) Section 1903(u)(1)(D)(v) of such Act  
21 (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

22 (i) by striking “or for” and inserting  
23 “, for”; and

24 (ii) by inserting before the period the  
25 following: “, or for medical assistance pro-

1                   vided to an individual described in sub-  
2                   section (a) of section 1920B during a pre-  
3                   sumptive eligibility period under such sec-  
4                   tion”.

5           (c) ENHANCED MATCH.—Section 1903(a)(5) of the  
6 Social Security Act (42 U.S.C. 1396b(a)(5)) is amended—

7                   (1) by striking “an” and inserting “(A) an”;

8                   (2) by adding “plus” after the semicolon; and

9                   (3) by adding at the end the following:

10                  “(B) an amount equal to 75 percent of the  
11                  sums expended during such quarter which are at-  
12                  tributable to the offering, arranging, and furnishing  
13                  (directly or on a contract basis) of breast or cervical  
14                  cancer-related treatment services; plus”.

15           (d) EFFECTIVE DATE.—The amendments made by  
16 this section apply to medical assistance furnished on or  
17 after October 1, 1999, without regard to whether final  
18 regulations to carry out such amendments have been pro-  
19 mulgated by such date.

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